

**8-22. Imminent and Substantial Endangerment (1200 TN 645 8-22)****1. AUTHORITY.** Pursuant to the Solid Waste Disposal Act (SWDA), including Section 7003:

- a. To make determinations that the handling, storage, treatment, transportation, or disposal of any solid waste or hazardous waste may present an imminent and substantial endangerment to health or the environment;
- b. After giving notice to the affected State, to take administrative action including, but not limited to, issuing unilateral orders or orders on consent as may be necessary to protect health and the environment;
- c. To give notice to appropriate local government agencies upon receipt of information that there is hazardous waste at any site which has presented an imminent and substantial endangerment to human health or the environment, and to require notice of the endangerment to be posted at the site where the waste is located.

**2. TO WHOM DELEGATED.** The authorities in 1.a., 1.b., and 1.c. are delegated to the Director, Land, Chemicals and Redevelopment Division (LCRD); Chief, Chemicals Safety Branch, LCRD; Director, Superfund and Emergency Management Division (SEMD); Chief, Preparedness and Response Branch, SEMD; Director, Enforcement and Compliance Assurance Division (ECAD); and Chief, Air, RCRA and Toxics Branch, ECAD.**3. LIMITATIONS.**

- a. The authorities in Paragraphs 1.a. and 1.b. shall be exercised subject to directives issued by the Assistant Administrator for the Office of Enforcement and Compliance Assurance (AA/OECA).
- b. The delegates must obtain the advance concurrence of the Regional Counsel (RC) on the legal sufficiency of the action before exercising the authority to issue orders in 1.b. The RC may waive concurrence in writing.
- c. The delegates must consult with the AA/OECA before exercising the authority to issue orders in Paragraph 1.b. The AA/OECA may waive consultation in writing.
- d. The AA/OECA must consult with any affected Regional Administrators before exercising the authority to issue orders in Paragraph 1.b.

**4. REDELEGATION AUTHORITY.**

- a. These authorities may be redelegated to the section chief level, and no further.

**8-22. Imminent and Substantial Endangerment (continued)****5. REDELEGATION AUTHORITY (continued)**

- b. This authority may not be redelegated without formal amendment
- c. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command down to the official to whom it has been specifically redelegated.

**6. REFERENCES.** None.**7. SUPERSESSION.**

- a. Delegations Manual, SWDA, Regional Delegation 8-22. Determinations of Imminent and Substantial Endangerment, 1200 TN RIII 205 (July 13, 2017)
- b. Delegations Manual, SWDA, Regional Delegations 8-22-A. Determinations of Imminent and Substantial Endangerment, 1200 TN RIII-164 (September 1, 2005).
- c. Delegations Manual, SWDA, Regional Delegations 8-22-B. Abatement Actions Through Unilateral Orders, 1200 TN RIII-164 (September 1, 2005).
- d. Delegations Manual, SWDA, Regional Delegations 8-22-C. Abatement Actions Through Consent Orders, 1200 TN RIII-163 (November 4, 2004).

Date APR 15 2019

  
Cosmo Servidio  
Regional Administrator